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August 5, 2014

ADVANCE COPY VIA ELECTRONIC MAIL

Emily Albano
FOIA Specialist
EPA Region 7
11201 Renner Blvd.
Lenexa, KS 66219

Re: Freedom of Information Act Request
Our File No.: 88001.51413

Ms. Albano:

This is a request for information related to the Beta Chem Laboratory in Lenexa, Johnson County, Kansas (the "Beta Chem Lab"). This request is made pursuant to the Freedom of Information Act, 5 U.S.C. § 552, as amended, ("FOIA") and 40 C.F.R. Part 2. It is our understanding that Mr. Doug Ferguson is the On Scene Coordinator for the Environmental Protection Agency's ("EPA's") activities at the Beta Chem Lab and Kristen Nazar is the EPA attorney working on this matter.

We seek and ask that you please provide for our review any and all documents, notes, reports, minutes, records, correspondence or other information either obtained or produced by the EPA, Region VII constituting an inventory or listing of the contents of the Beta Chem Lab, including but not limited EPA's listing or inventory of chemicals (including volume and container type where such chemicals were stored), gases, laboratory testing equipment, office equipment, laboratory glassware, reference books, business records, papers, photographs or other writings and documents as these items were discovered or identified by EPA at the inception of its removal and/or remedial response actions at the Beta Chem Lab.

In addition, we request you please provide for our review, the following specific information/documents obtained or produced by the EPA or its contractors:

1. Copies of any video recordings documenting the condition

of the Beta Chem Lab at the time EPA commenced its removal and/or remedial response action(s) at the facility.

2. Copies of documents, notes, reports, minutes, records, correspondence or other information reflecting the results of EPA's screening of containers for radioactive contamination of both hazardous and non-hazardous substances discovered by EPA at the Beta Chem Lab.
3. Copies of documents, notes, reports, minutes, records, correspondence or other information reflecting the results of EPA's screening of laboratory instruments, laboratory equipment, laboratory glassware and laboratory storage cabinet for radioactive contamination s discovered by EPA at the Beta Chem Lab
4. Copies of documents, notes, reports, minutes, records, correspondence or other information purporting to identify background levels of radiation used by EPA for the purpose of screening containers of hazardous substances for radioactive contamination.
5. Copies of documents, notes, reports, minutes, records, correspondence or other information identifying unopened containers of hazardous substances discovered by EPA at the Beta Chem Lab in to be in "good condition" and determined by EPA to have "re-sale" value as that term was used by EPA in Attachment A to this letter.
6. Copies of documents, notes, reports, minutes, records, analytical reports, correspondence or other information establishing or recording the nature and extent of radioactive contamination of interior surfaces of the building structure i.e., walls, floor surfaces, floor drains, ceiling tiles, doors or other, similar structural components of the building housing the Beta Chem Lab.

7. Copies of documents, notes, reports, minutes, records, correspondence or other reflecting any risk-based screening performed by EPA on any soils located in the immediate vicinity of the structure housing the Beta Chem Lab.
8. Copies of documents, notes, reports, minutes, records or correspondence reflecting any risk-based screening performed by EPA on samples taken from any surface water bodies located in the immediate vicinity of the structure housing the Beta Chem Lab or any risk-based screening performed by EPA on groundwater samples extracted at any location in the immediate vicinity of the structure housing the Beta Chem Lab.
9. Copies of documents, notes, reports, minutes, records or correspondence reflecting EPA's assessment of whether any human populations, animals or food supplies have ever been exposed to any hazardous substances discovered by EPA at the Beta Chem Lab.
10. Copies of documents, notes, reports, minutes, records or correspondence reflecting EPA's assessment of whether any human populations, animals or food supplies have ever been exposed to any radiation sources discovered by EPA at the Beta Chem Lab.
11. Copies of documents, notes, reports, minutes, records or correspondence reflecting EPA's assessment of whether any drinking water supplies or sensitive ecosystems have been impacted by releases of hazardous substances or pollutants or contaminants EPA has concluded originated from the Beta Chem Lab.
12. Copies of documents, notes, reports, minutes, records or correspondence prepared by EPA, consistent with EPA's "Superfund Removal Procedure, Guidance on the Consideration of ARARs During Removal Actions",

(EPA/540/P-91/011, September 1991)” documenting what Kansas ARARs have been utilized to justify EPA’s removal of any material or any nature or any equipment of any type from the Beta Chem Lab site.

13. Copies of documents, notes, reports, minutes, records or correspondence prepared by EPA, consistent with the requirements of the National Contingency Plan, showing or establishing that EPA has: 1) conducted any form of community interviews concerning its removal or response actions at the Beta Chem Lab; 2) prepared a formal Community Relations Plan concerning its response action at the Beta Chem Lab; 3) published a notice of availability of the administrative record file of its actions at the Beta Chem Lab following its initiation of on-site removal activity; 4) placed a copy of an official administrative record file of its activities at a central location near the Beta Chem Lab; or 5) made its removal action activities at the Beta Chem Lab available for a public comment period prior to commencement of those removal or response actions.
14. Copies of manifest numbers 011814214 and 011814187 as more particularly identified in a document described in “POLREP # 10” published by the EPA on July 18, 2014.

Due to the anticipated number documents likely to be responsive to this request, we do not ask that EPA prepare copies of EPA’s responses at this time. Instead, we would like to schedule an appointment to come to EPA’s offices and review the above requested files and information before making requested copies of specific responsive documents.

Emily Albano
FOIA Specialist
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Please contact the undersigned or Kenneth M. Smith at the address and/or telephone number provided to discuss available dates and the cost of processing this request pursuant to the FOIA. Should you have any questions or comments, or need more information in order to process this request, please do not hesitate to contact the undersigned. Thank you for your attention to this matter.

Sincerely,

THE SESSION LAW FIRM, PC

A handwritten signature in black ink, appearing to read 'W. Session', with a long horizontal flourish extending to the right.

William T. Session

/wts
Enclosure